

AUG 24 2000

Page 1 of 3

5-AUG-00

CONTINUED PROSECUTION APPLICATION (CPA)
REQUEST TRANSMITTAL

(Only for Continuation or divisional applications under 37 CFR 1.53(d))

RECEIVED

In re prior PATENT APPLICATION of
Inventor(s): HUANG et al.

Group Art Unit: 1651

AUG 28 2000

Examiner: Marx

TECH CENTER 1600/2000

Appl. No. 08
Series Code882,499
Serial No.

Filed: June 25, 1997

Atty. Dkt. PM 234838

C-1252/CIP

Parent M#

Client Ref

Hon. Assistant Commissioner for Patents
Box CPA
Washington, DC 20231

Date: August 24, 2000

DO NOT USE THIS FORM IF PARENT WAS A CPA
FILED ON/AFTER 5/29/00; USE RCE FORM PAT-252

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d), (continued prosecution application (CPA)) of the above prior application number, entitled

Compounds for the Suppression of Viral Growth

NOTES

FILING QUALIFICATIONS: The prior application identified above cannot be a CPA filed on/after 5/29/00 but must be a nonprovisional application filed before 5/29/00 that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371, i.e., having a \$102(e) date granted and is neither abandoned nor its proceedings terminated and its issue fee has not been paid (unless item 6A below is X'd).

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

1. ☒ Enter the unentered amendment previously filed on November 2, 1999 in the prior nonprovisional application. (Include claim fees on page 2).
2. ☐ A preliminary amendment is enclosed. (See page 3 for additional claims fees).
3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
 - a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application:
 1. _____
 2. _____
 3. _____
 4. _____
 - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney is enclosed.
5. Information Disclosure Statement is enclosed:

<input type="checkbox"/> IDS Letter	<input type="checkbox"/> Citing Appln.	<input type="checkbox"/> Foreign Search Report/OA
<input checked="" type="checkbox"/> PTO-1449		<input checked="" type="checkbox"/> Cited Documents

08/25/2000 CNGUYEN 00000016 08882499

01 EC:217
02 FC:231
30088966_1.DOC435.00 OP
345.00 OP

PAT-110 5/00

6. ☐ **PRELIMINARY AMENDMENT** to be entered before fee calculation (Do not make amendments here except cancellation of whole claims or multiple dependencies for purpose of reducing the filing fee (on page 2) per MPEP § 506 and 607; do not cancel all claims.):

- 6A. ☐ The issue fee has been paid in the parent, but this CPA Request is based on a Rule 313(c)(3) petition and Rule 53(d)(1)(ii)(A).

7. ☐ Attached is a Rule 103(a) Petition to Suspend Action

FILING FEE

THE FOLLOWING FILING FEE IS BASED ON THE CLAIMS
EXISTING IN THE PRIOR APPLICATION AS AMENDED AT 1 & 6 ABOVE

	<u>Large/Small Entity</u>		<u>Fee Code</u>
8. Small Entity Statement Filed <input checked="" type="checkbox"/> previously (still valid) <input type="checkbox"/> herewith			
9. Basic filing fee -----	<input checked="" type="checkbox"/> Utility Appln. -- \$690/\$345 <input type="checkbox"/> Design Appln. -- \$310/\$155 <input type="checkbox"/> Plant Appln. -- \$480/\$240 <input type="checkbox"/> Reissue Appln. -- \$690/\$345	\$ 345 \$ 0 \$ 0 \$ 0	(131/231) (132/232) (133/233) (134/234)
10. (reserved)			
11. Total Effective Claims <u>3</u> minus 20 = * <u>0</u>	x \$18/\$9 =	+ <u>0</u>	(103/203)
12. Independent Claim <u>1</u> minus 3 = * <u>0</u>	x \$78/\$39 =	+ <u>0</u>	(102/202)
*If answer is zero or less, enter "0"			
13. If <u>any proper</u> (ignore improper) multiple dependent claim is present, <input type="checkbox"/> add \$260/\$130		+ <u>0</u>	(104/204)
14. Original Due Date: <u>May 24, 2000</u>	<input type="checkbox"/> None		
15. Petition is hereby made to extend the <u>original</u> due date to cover the date this CPA is filed for which the requisite fee is attached	(1mo)- \$110/\$55= \$ (2mos)- \$380/\$190= \$ (3mos)- \$870/\$435= \$	\$ 435 \$ 435 \$ 435	(115/215) (116/216) (117/217)
16. Enter any previous extension fee <u>paid</u> since above <u>original</u> due date (item 14) and subtract		- \$ <u>0</u>	
17. EXTENSION FEE ATTACHED		\$ <u>435</u>	
18. TOTAL FILING FEE =		\$ <u>780</u>	
19. If "petition" box 7 above is X'd, ----- add petition fee (\$130)		+ <u>0</u>	(122)
20. FEE ATTACHED =		\$ <u>780</u>	(carry forward to line 27)

(FOR AMENDMENT FEES RE ITEM 2 ABOVE SEE NEXT PAGE)

21. ☒ ATTACHED: Submission of Rule 131 Declaration of Ru-chih Huang and John N. Gnabre

22. **ADDITIONAL FEE CALCULATION FOR PRELIMINARY AMENDMENT
TO BE ENTERED (PER ITEM 2 ABOVE)**

	Claims remaining after amendment	Highest number previously paid for	Present Extra		Additional Fee	
				<u>Large/Small Entity</u>		<u>Fee Code</u>
23. Total Effective Claims	_____ minus**	<u>20</u>	= * <u>0</u>	x \$18/\$9	= \$ <u>0</u>	(103/203)
24. Independent Claims	_____ minus***	<u>3</u>	= * <u>0</u>	x \$78/\$39	= + <u>0</u>	(102/202)
25. If amendment enters proper multiple dependent claim(s) into this application for the first time, ----- <input type="checkbox"/> add \$260/\$130 (per application)					+ <u>0</u>	(104/204)
26.				ADDITIONAL FEE	\$ <u>0</u>	
27.				plus FEE from item 20 on page 3	+ <u>780</u>	
28.				<u>TOTAL FEE ATTACHED</u>	\$ <u>780</u>	

29.*If the entry in the first space is less than entry in the middle space, the "Present Extra" result is "0".

30.**If the "Highest number previously paid for" (see item 11 above) is less than 20, write "20" in this space.

31.***If the "Highest number previously paid for" (see item 12 above) is less than 3, write "3" in this space.

Our Deposit Account No. 03-3975

Our Order No.	<u>41060</u>	<u>234838</u>
C#		M#

32. **CHARGE STATEMENT:** The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown above for which purpose a duplicate copy of this sheet is attached. **This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.**

**Pillsbury Madison & Sutro LLP
Intellectual Property Group**

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Ninth Floor
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Atty./Sec. ASH/maf

By Atty: Ann S. Hobbs

Sig: 

Reg. No. 36830

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Tel: (202) 861-3063

NOTE: No. 1: File this Request in duplicate with PTO receipt (PAT-103A) & attachments.

NOTE: No. 2: Is extension necessary for copendency? **DOUBLE CHECK** Item 14 above.